

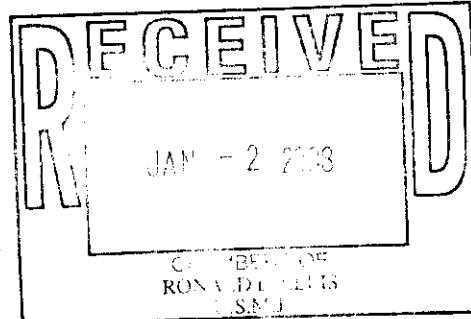


USDC SDNY
DOCUMENT
NON-PUBLICLY FILED
DOC #:
DATE FILED: 1/7/08 DS

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 31, 2007



By Hand

Hon. Ronald L. Ellis
United States District Judge
United States Courthouse
500 Pearl Street, Room 1970
New York, New York 10007

Re: Gregory Miele v. Astrue
07 Civ. 3376 (RLE)

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an extension of the Court's briefing schedule.

Pursuant to this Court's order, plaintiff has filed his motion for judgment on the pleadings, and defendant's cross-motion for judgment on the pleadings is due by December 31, 2007, plaintiff's reply, if any, is due by January 14, 2008, and defendant's reply, if any, is due by January 28, 2008. This Office has requested additional information regarding this case from the Social Security Administration; however, agency personnel informed us that there would be a delay in producing the requested information. In view of the foregoing, we respectfully request that the Court's scheduling order be amended as follows:

- 1) Defendant shall serve a cross-motion for judgment on the pleadings by February 1, 2008.
- 2) Plaintiff shall serve a reply, if any, by February 15, 2008;
- 3) Defendant shall serve a reply, if any, by February 29, 2008.

No previous requests for an adjournment of the briefing schedule have been made.

Approved.

SO ORDERED

Ronald L. Ellis

1-7-08

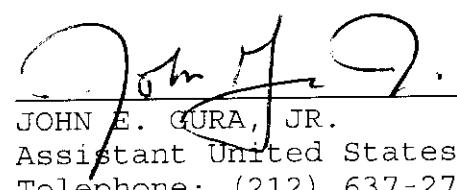
MAGISTRATE JUDGE RONALD L. ELLIS

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


JOHN E. GURA, JR.
Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750